

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re:

TERROR ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

**NOTICE OF AMENDMENT  
AS TO THE TALIBAN AND  
MUHAMMAD OMAR**

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This document relates to:

*Ashton, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-6977 (GBD)(SN)

*Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN)

Plaintiffs identified herein file this Notice of Amendment with respect to the underlying Complaint in the above-referenced matter, in a form similar to notices previously permitted and approved by this Court in its December 1, 2020 Order Approving Notices to Conform, Short Form Complaints and Notices of Amendment as to Sudan, ECF No. 6547, and October 28, 2019 Amended Order Approving Notices to Conform, Short Form Complaints and Notices of Amendment addressing claims against the Kingdom of Saudi Arabia (“KSA”) and the Islamic Republic of Iran (“Iran”), ECF No. 5234.<sup>1</sup> Upon the filing of this Notice of Amendment, the underlying Complaint is deemed amended to add the individuals listed below (the “New Plaintiffs”) as plaintiffs raising claims against the Taliban and Muhammad Omar.

The underlying Complaint is deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand of the *Ashton* Plaintiffs First Amended Complaint, No. 02-6977, ECF No. 2 (hereinafter “*Ashton* First Amended Complaint”), as well as all causes of action and all subsequent amendments thereto. The amendment effected through this Notice of Amendment supplements by incorporation into, but does not displace, the underlying Complaint.

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<sup>1</sup> The Order of October 28, 2019 (ECF 5234) approving notices to conform, short form complaints and notices of amendment supersedes all previous Orders addressing procedures established by the Court for filing new claims or amending those brought against defendants including the Court’s July 10, 2018 Amended Order filed at ECF 4045.

This Notice of Amendment relates solely to the Taliban and Muhammad Omar and does not apply to any other defendant.

Upon filing this Taliban Notice of Amendment, each New Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all prior filings in connection with the complaint; and all prior Orders and rulings of the Court in connection with that complaint, including the default judgment entered by this Court on May 12, 2006, ECF 1797, which specifically identifies the Taliban and Muhammad Omar in Exhibit B filed at ECF 1782-5, April 27, 2006.

Additionally, each New Plaintiff incorporates the factual allegations and findings contained in the pleadings and orders filed at *Havlish v. Bin Laden*, No. 1:03-CVC-9848 (GBD)(SN) (S.D.N.Y.), ECF Nos. 263, 294, 295, 316; *In re Terrorist Attacks on September 11, 2001*, 03-MDL-1570 (GBD)(SN)(S.D.N.Y.), ECF Nos. 2430, 2431, 2432, 2433, 2473, 2515, 2516; and evidence submitted at the proceedings before the Honorable George B. Daniels on December 15, 2011.

### **CAUSES OF ACTION**

Each New Plaintiff hereby adopts and incorporates herein by reference, the factual allegations, jurisdictional allegations, and jury trial demand in the following complaints:

- *Ashton* First Amended Complaint, No. 02-6977, ECF No. 2.

### **IDENTIFICATION OF NEW PLAINTIFFS**

Each New Plaintiff is or was a survivor of a person who died due to the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart list the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or the decedent's estate.

	<b>New Plaintiff's Name (alphabetical by last name)</b>	<b>New Plaintiff's State of Residency at Filing (or death)</b>	<b>New Plaintiff's Citizenship/ Nationality on 9/11/2001</b>	<b>9/11 Decedent's Name</b>	<b>New Plaintiff's Relationship to 9/11 Decedent</b>	<b>Paragraphs of Complaint Discussing 9/11 Decedent</b>
1	Kane, Lori	New Jersey	U.S. Citizen	Howard Kane	Wife	<i>Bauer</i> action <sup>2</sup> Paragraph 53
2	Kane, Rochelle	New Jersey	U.S. Citizen	Howard Kane	Mother	<i>Bauer</i> action Paragraph 53
3	Keller, Joseph D.	New Jersey	U.S. Citizen	Joseph J. Keller	Son	<i>Bauer</i> action Paragraph 36
4	Keller, Sydnie R.	New Jersey	U.S. Citizen	Joseph J. Keller	Daughter	<i>Bauer</i> action Paragraph 36
5	Keller, Rose	New Jersey	U.S. Citizen	Joseph J. Keller	Wife	<i>Bauer</i> action Paragraph 36
6	Kelly, Phyllis	New Jersey	U.S. Citizen	Salvatore Zisa	Sister	<i>Bauer</i> action Paragraph 36
7	Lewis, Arthur	Connecticut	U.S. Citizen	Adam J. Lewis	Son	<i>York</i> action <sup>3</sup> Paragraph 7
8	Lewis, Caroline	Connecticut	U.S. Citizen	Adam J. Lewis	Daughter	<i>York</i> action Paragraph 7
9	Lewis, Geraldine	Connecticut	U.S. Citizen	Adam J. Lewis	Mother	<i>York</i> action Paragraph 7
10	Lewis, Patricia D.	Connecticut	U.S. Citizen	Adam J. Lewis	Wife	<i>York</i> action Paragraph 7
11	Lewis, Reilly	Connecticut	U.S. Citizen	Adam J. Lewis	Daughter	<i>York</i> action Paragraph 7
12	Lewis, Sophia	Connecticut	U.S. Citizen	Adam J. Lewis	Daughter	<i>York</i> action Paragraph 7
13	Lutz, Jennifer	North Carolina	U.S. Citizen	Joseph J. Keller	Sister	<i>Bauer</i> action Paragraph 36
14	MacRae, Ann B.	New York	U.S. Citizen	Catherine F. MacRae	Mother	<i>Bauer</i> action Paragraph 31
15	MacRae, Ann C.	New York	U.S. Citizen	Catherine F. MacRae	Sister	<i>Bauer</i> action Paragraph 31
16	MacRae, III, Cameron F.	New York	U.S. Citizen	Catherine F. MacRae	Father	<i>Bauer</i> action Paragraph 31
17	Magee, Mary Beth	Utah	U.S. Citizen	Thomas M. Brennan	Sister	<i>Bauer</i> action Paragraph 45
18	Magnuson, Audrey	New Jersey	U.S. Citizen	Ronald E. Magnuson	Wife	<i>Bauer</i> action Paragraph 20

<sup>2</sup>*Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN), herein referred to as *Bauer* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

<sup>3</sup>*York, et al. v. al Qaeda Islamic Army, et al.*, Case No. 03-cv-5493 (GBD)(SN), herein referred to as *York* action, was voluntarily dismissed by the plaintiffs on March 22, 2004, because it was “duplicative” of claims in the *Ashton* action third and fourth complaints, ECF No. 66.

19	Magnuson, Jeffrey	New Jersey	U.S. Citizen	Ronald E. Magnuson	Son	<i>Bauer</i> action Paragraph 20
20	Magnuson, Knut	Connecticut	U.S. Citizen	Ronald E. Magnuson	Brother	<i>Bauer</i> action Paragraph 20
21	Magnuson, Sheryl	New Jersey	U.S. Citizen	Ronald E. Magnuson	Daughter	<i>Bauer</i> action Paragraph 20
22	Maher, Est. of Jeanne	New York	U.S. Citizen	Daniel L. Maher	Mother	<i>Bauer</i> action Paragraph 17
23	Maher, James	Florida	U.S. Citizen	Daniel L. Maher	Brother	<i>Bauer</i> action Paragraph 17
24	Maher, Est. of Raymond	Texas	U.S. Citizen	Daniel L. Maher	Brother	<i>Bauer</i> action Paragraph 17
25	Marasciulo, Maria	New Jersey	U.S. Citizen	Michael Tanner	Sister	<i>Bauer</i> action Paragraph 25

Dated: April 11, 2022

Respectfully submitted,

BAUMEISTER & SAMUELS, P.C.

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